

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

JOAN ANZIANI,)
 Plaintiff,)
))
vs.))
))
WENTWORTH BY THE SEA,)
LLC))
))
 Defendant.)
_____)

Civil Action No.:

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

SUMMARY OF THE CASE

1. This complaint asserts a claim for negligence against Wentworth by the Sea, LLC, an entity that owns and operates Wentworth by the Sea, a Marriott Hotel & Spa, in New Castle, New Hampshire. The Plaintiff, Joan Anziani, was injured while working at the hotel when a soup oven, which had been negligently placed in an unsafe area by the Defendant, spilled over, causing Joan Anziani to be severely burned.

PARTIES

2. The Plaintiff, Joan Anziani, resides at 1 Hancock Street, Lawrence, Massachusetts 01841.
3. The Defendant, Wentworth by the Sea, LLC, is a corporation with a principal place of business at 1000 Market Street, Building 2, Suite 7, Portsmouth, New Hampshire 03801.

JURISDICTION

4. The Plaintiff, Joan Anziani, is a citizen of Massachusetts.
5. The Defendant, Wentworth by the Sea, LLC, at all relevant times was located in and conducted business in New Hampshire and is subject to the personal jurisdiction of this Court.
6. The District Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 since complete diversity of citizenship exists between the Plaintiff and the Defendant, and the amount in controversy exceeds \$75,000.00. Venue is proper in the District Court pursuant to 28 U.S.C. § 1391 since the Defendant is a New Hampshire entity with their principle place of business in Portsmouth, New Hampshire and were conducting business in New Hampshire at all relevant times.

FACTUAL SUMMARY

7. At all times pertinent hereto, the Defendant owned and operated Wentworth by the Sea, a Marriott Hotel & Spa, located at 588 Wentworth Road, New Castle, New Hampshire 03854.
8. In connection with said ownership and operation, the Defendant hired Plaintiff's employer, Excel Janitorial Services of NH LLC, to perform work at said site.
9. On or about November 17, 2017, the Plaintiff, who was engaged in work at said site, was severely injured when a soup oven containing boiling hot soup tipped over and spilled on Plaintiff.
- 10.
11. Said soup oven was positioned by Defendant's employees to stand on a metal grate, under which was a drain full of ice. Plaintiff was instructed to clean out the drain under the grate. As Plaintiff poured hot water through the grate to melt the ice, as he was instructed to do, the grate became dislodged and fell into the drain, causing the soup oven to tip over onto Plaintiff, and resulting in severe burns to Plaintiff's body.

COUNT I **NEGLIGENCE AGAINST THE DEFENDANT**

12. The Plaintiff repeats and restates the allegations contained in paragraphs 1 through 10 and incorporate said allegations herein by reference.
13. The injuries sustained by Joan Anziani were the direct and proximate result of the negligence of the Defendant as follows:
 - a. Defendant negligently supervised, controlled and maintained the work at said site;
 - b. Defendant negligently failed to ensure that the work conducted at the site was performed so as to provide reasonable protection for workers at the site, including the Plaintiff;
 - c. Defendant negligently permitted employees at the site, including the Plaintiff, to work under conditions which were not in compliance with New Hampshire codes and regulations; and
 - d. Defendant failed to ensure that the site was in a safe condition.
14. As a direct and proximate result of the negligence of Defendant, as set forth herein, the Plaintiff was caused to sustain severe and permanent injuries including severe burns to his

head, face, arms, left leg, and left foot, as well as permanent scarring. Plaintiff has had extensive medical care and will require additional future care. Plaintiff is disabled from his usual activities. Plaintiff's quality of life has been adversely affected. Plaintiff does not enjoy life as he did prior to the occurrence.

WHEREFORE, Plaintiff prays judgment against Defendant, together with interest and costs.

PLAINTIFF CLAIMS TRIAL BY JURY.

The Plaintiff,
By His Attorney,

/s/ David P. Angueira
David P. Angueira
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10 Marshall Street
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Dated: September 26, 2018